563 "chief-elder". The charismatic character of such an elder is of
622 prime importance. His wealth, his public influence, his reputa-
[554] tion, his military ability and his moral integrity form the basis of his social status.

692 Internal order is maintained by unwritten common law. Judges
563 act by custom and conscience alone. When a cause of action arises,
671 the litigants, in lieu of blood-vengeance, agree to refer the matter to a court of their own choosing and to abive by its decision. Either both sides agree on one or two bäks to settle the case, or each selects a bäk, and a third man is chosen as arbiter. Civil and
[674] criminal law are not distinguished. Crimes are really torts, and
[681] can be settled out of court by compromise. Hence, the criminal is not punished; he simply pays damages, which represent a sort of compounding of the earlier lex talionis. Custom prescribes a
681 graded schedule of damages, ranging from a wergild (kun) of 100
563 horses, 1000 sheep, or 50 camels for homicide, through lesser payments in cattle for adultery, fraud, and serious personal injuries or assault, to a horse and a robe or skin for slander, breaking a finger or tooth, and minor assaults. The full wergild must be paid for killing a man, one-half for a woman or slave, and one-third for a child under ten. The circumstances and intent are not considered. However, a man pays no penalty for killing his child, slave or adulterous wife. For cattle theft, a man must restore the stolen animals and, in addition, pay twice their number as damages. For rape of an unbetrothed girl he must marry the girl, give her father the usual bride-price, and pay him a fine of nine head of cattle.

563 Usually before a boy reaches the age of ten, his father seeks
584 a wife for him. Neither the boy nor the girl has much voice in the transaction. Since the nomadic Turks practice strict clan
[614] exogamy the boy's father must select a girl of suitable qualifications from another clan. He then sends matchmakers to her
563 father to arrange the bride-price "kalym". Except where a
583 brother and sister are married by exchange to a sister and
584 brother, marriage is always by purchase. The bride-price, payable in horses, cattle, sheep and camels, varies with the means of the groom and the desirability of the bride, forty animals representing perhaps an average kalym. In return, the bride takes with her from her father's home a dowry, much inferior in value, consisting usually of a yurt, a riding horse or other animals, a chest of clothing, rugs, beddings, and other house-
[582] hold articles. Marriage is deferred until the children attain
[884] their majority.

B. The Western (Oirat) Mongols (See also IMAR, Social Structure)

563 175 After the decline of the Mongolian Empire in the 14th century, the Western Mongols (the tribes Choros, Khoit, Khoshut and Torgut) of Dzungaria established the so-called Oirat Federation. [671] Its social structure is best summarized in the Oirat codex Chaghajachi yin bichik "Book of the Judges", based on the Jassa of Chingis Khan.

563 596 [595] [671] [851] Life within the extended family is absolutely patriarchal. Although polygyny is not mentioned in the codex it is an accepted part of the society. The children of concubines are legitimate. The order of precedence among the children depends on the social status of their mothers.

563 428 After the father's death, the eldest son inherits everything, including the father's wives and concubines with the exception of his own mother. Inheritance as well as descent follows the male line.

563 614 583 Among the Western Mongols clan exogamy is strictly observed, especially among the Torguts and Khoshuts of Sinkiang. Marriage entails the payment of a bride-price of at least two horses, two cows and twelve sheep. The bride-price for an aristocratic girl is considerably higher and consists of several dozen camels, horses and sheep. If a wife is divorced she is not permitted to take with her anything which has been given to her by her husband.

563 631 According to the Chaghajachi-yin bichik the Oirats were organized into ail, khoshun (banners) and aimak. In Sinkiang there are two khoshun of Torguts, one khoshun of Khoshuts and seven khoshun of Uriangkhai. The Khoshuts of the Alashan Area and the Torguts of the Edsin Gol Area each constitute one khoshun. Each khoshun lives on land and pastures with well-defined boundaries.

563 565 The same source details the various strata of Oirat society. It subdivides the entire Oirat population into three groups. The nobility (taiji) belong to the first group, the darkhans (soldiers, warriors, flag-bearers who are tax-exempt people) belong to the second group, and the kara kümüm (plebians) belong to the third group. Cutting across these other divisions is the highly respected group of monks (Llama, Ho-brog or pandit) who are also tax-exempt.

563 565 554 The Oirat princes are subdivided into six different ranks: a) Ch'in-Wang b) Chün-Wang c) Beile c) Beise d) Chen-kuo-kung and f) Hu-kuo-kung. The Oirat taijis have four ranks, e.g., the ruling leader of a khoshun who is called khoshun-u jasak is a taiji of the first rank. Besides these ranks honorary titles exist such as: erdeni "jewel", darkhan "master", tüsiyetü "pillar, support", daiching "hero", dalai "ocean" and batur "hero" etc. The Khoshun-u jasak is the ruler of his banner. Commoners [651] pay him tribute in the form of cattle or agricultural products.

/Sedentary Moslems of Sinkiang/

563 592 562 [565] The focus of the family is on the sons, who above all provide the continuity of the family, and also aid the family economically before they establish their own households. Among the lower classes, daughters also often are very desirable. There is always a chance that a daughter, particularly if she is good-looking, will bring a wealthy husband to the family. The family expects nothing [582] of their son after the age of 15 or 16 when he marries and sets up a household for himself.

563 592 593 182 A statement can be made, applying particularly to the sedentary Turkic Moslems in Sinkiang, that the relationships within the family are not as fixed and close as they are in China proper. This is due mainly to the factor that the institution of the family as a whole is loosely bound and unstable. Membership in the family nucleus changes often with the frequent conclusions and dissolutions of marriages. A great degree of permanency exists among the agricultural population, but most of the city-dwellers are subject to constant permutations.

563 593 178 The Islamic relationships between husband and wife are the basic patterns existing in Sinkiang, but they have been modified by local customs, and are less rigid and extreme in severity.

593 562 563 The husband-wife relationships are not based on equality, legal or otherwise. The differences in the family positions of the husband and wife are mainly a manifestation of the general attitudes toward men and women in Islamic society. A woman is considered a weak and irresponsible being, who is subject to impulses and whose behavior is largely irrational. Man, being the superior of the two, is given the authority and place of importance within the family. Islamic law, which established the man as leader and [611] [709] head of the family, obliges him not to misuse his power and to be generous to those who depend on him. In practice, the prerogatives accompanying the husband's superior position are often abused for his own advantage.

In Sinkiang the women's position is not as low as in other Moslem centers. The wife enjoys some rights which give her a certain degree of independence and freedom. Under certain circumstances, which will be discussed later, she can obtain a divorce on her own initiative, and she has some property rights. According to Islamic law her foremost obligation is to respect and honor her husband. Obedience to the husband is stressed in theory but is not as fully practiced. Women here participate in economic life to a greater degree than in most Moslem countries, and have some rights themselves. Consequently, they also enjoy a better social status. The Moslem women of Sinkiang appear with their husbands in the presence of male visitors, while in other Moslem countries they are forbidden to appear in the presence even of their husband's father or his elder brother. In Sinkiang a woman frequently leaves the house unaccompanied, without asking the

/Turkic Moslems of Sinkiang/

779 character of Islam. In Sinkiang, Islam has been affected by two major factors. The first one is that Islam has been superimposed over a civilization which contained Shamanist, Buddhist, Manichaeanist and Nestorian elements. Many Buddhist traditions have not been erased completely by Islamic beliefs. These traditions have been incorporated into Islam, although totally foreign to it, and they have acquired a superficial Moslem character.

779 The second fact that had considerable influence upon the de-
177 velopment of Islam in Sinkiang is that the country is under Chinese administration. As already explained, Islam is not merely a religious faith, but it encompasses many aspects of the entire way of life of the Moslems. As a result of Chinese administration, all those functions of Islam that are not concerned with the articles of faith and strictly religious rites, have been taken
[671] over by the Chinese. The law of the country is the Chinese sec-
[692] ular law, and not the Moslem religious one. The courts of law are administered by Chinese civil servants rather than by the Moslem Qazis (judges).

779 The Turkic Moslems in Sinkiang are not very strict in their
794 observance of religious practices. There is only a small number
563 of people (mainly Kirghiz) who perform the ablutions and say the prayers regularly, pay the Zakat to the mosque, medresses (mosque schools) and the poor, wear a turban and abstain from smoking and drinking. The majority of the people (this applies to the East Turki as a whole) do not perform the ablutions nor prayers. Except on holidays there are very few people in the mosque during the services. The people do not give the required Zakat, and they smoke tobacco and even opium. Though they are quite strict about not eating pork, they do not abstain from drinking wine and other alcoholic beverages. Few of the women veil themselves in public, and they go unsupervised in the market places. The Sunni Turki in Sinkiang have no scruples about letting their daughters marry the Balti Shi'is (most other Sunni Moslems consider it a great offense). The people as a whole are very poorly instructed in the matters of religion. Most know the fatihat sura (the opening chapter of the Koran), but few know more. Holidays are more strictly observed than are other rites.
[796] Though Ramadan imposes rigid restrictions during the daytime, at night the Moslems of Sinkiang compensate festively for their daily sacrifices. Id-el-Fitr, the Moslem New Year celebration in the tenth month, is one of the most joyful and colorful holidays in Sinkiang. The people attire themselves in new clothes, attend the special services in the mosques, greet each other, visit friends and attend feasts.

795 As Grenard points out, the cult of Imams and other Moslem
796 saints which is an integral part of Islam in Sinkiang, goes back
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175 places. For instance, during the first two or three years of the
625 Republic, when Sinkiang was controlled by the governor Yang Tseng-hsin, numerous local officials lost their lives in local riots. However, Yang built up a police force efficient enough to maintain peace and order for almost two decades, a record much better than that of the average warlords who controlled other provinces during
S the same period. However, Yang finally was assassinated. Later,
[177] when another ambitious man, Sheng Shih-ts'ai, controlled Sinkiang, he developed a modern police system patterned after the Soviet secret police. Purge after purge made Sinkiang a police state, though people had to give credit to Sheng for his efficiency in maintaining public order. With the removal of Sheng, this police force declined and the province gradually fell into a chaotic situation again.

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N B. Problems of Managing Diverse Groups
184 Managing the different ethnic groups was a common problem
577 throughout the Northwest, but it was especially serious in Sinkiang where more than a dozen different peoples lived. The problem can be viewed in terms of the different moral standards which were the result of their different cultural patterns and their historical and geographical backgrounds. For instance, among the Chinese, to
S give shelter overnight to a stranger is a favor, not an obligation.
N But according to V. A. Riasanovsky: Customary Law of the Mongol
[671] Tribes, p. 88, among the Mongols, refusal to give shelter for the
[674] night is a crime. Obviously over the barren, bitter cold desert and steppe refusal to grant shelter may mean life or death to a wandering traveller, while among the Chinese agricultural society it was usually only an inconvenience. Among the Moslems, Muhammad Ali
S in The Religion of Islam, p. 759, reports that it is believed that
N people are equal before God, so that punishment must be inflicted
681 without respect of persons. On the contrary, the Mongols pay much
184 respect to their leaders. Riasanovsky op. cit., p. 93, states: "The
674 punishment changes not only with respect to the object, but also with respect to the subject of the crime: there is no equality before
S the law." Hence, ibid., p. 88, "for the murder (with arson) of a
N nobleman the punishment is ruin (confiscation of all properties);
[565] of a man of the middle class -- 300 animals, 30 valuable things; of a man of the lower class -- 15 times nine animals and one valuable thing." Adultery and rape are serious crimes among the
N Chinese. However, the Tibetans, according to Robert B. Ekvall:
681 Cultural Relations on the Kansu-Tibetan Border, p. 11, permit
184 more freedom in sexual intercourse than most people. Theft is
674 punished by the Mongolian laws, Riasanovsky, op. cit., p. 91, reports, especially if a third theft, the punishment for which is ruin. But to the Tibetans "a crime is determined by the position of the one against whom it is committed. Robbery of a stranger is laudable; robbery of another Tibetan is serious only if he is powerful